

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ANDREW TORO, *on behalf of himself and all*
others similarly situated, :

Plaintiff, :

-against- :

ST. CROIX OF PARK FALLS, LTD., :

Defendant. :

23-CV-2270 (ALC)

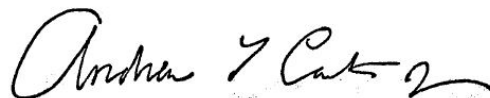
ORDER

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ANDREW L. CARTER, JR., **United States District Judge:**

On May 26, 2023, the Court issued an Order To Show Cause by June 26, 2023 as to why this action should not be dismissed without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). (ECF No. 6.) To date, Plaintiff has not responded to the Court's order. Having considered the relevant factors, this case is dismissed without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) ("[I]t is unquestioned that Rule 41(b) also gives the district court authority to dismiss a plaintiff's case *sua sponte* for failure to prosecute . . ."); *see also Sanchez v. Dutchess Cnty. Dep't of Cmty. & Fam. Servs.*, No. 21-2408, 2023 WL 3047971, at *1 (2d Cir. Apr. 24, 2023) (citing *United States ex rel. Drake v. Norden Sys., Inc.*, 375 F.3d 248, 254 (2d Cir. 2004)).

SO ORDERED.

Dated: August 2, 2023
New York, New York



ANDREW L. CARTER, JR.
United States District Judge